

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

Food Information Series
United States Department of Agriculture
Office of Information
Washington 25, D. C.

January 22, 1944

LIBRARY
CURRENT SERIAL RECORD

No. 78

Subject: Summary of Farm Wage and Salary Regulations
Field Distribution: Regular FIS List Plus County Agents
Suggested Use: Background Information

Regulations to govern procedure for establishing wages and salaries of agricultural labor were issued on January 17, 1944, by Marvin Jones, War Food Administrator. Regulations under which specific agricultural wage or salary ceilings are to be administered, after they are established, were issued on January 20. The farm wage and salary stabilization program is administered by Colonel Philip G. Bruton, Director of WFA's Office of Labor. William T. Ham is Acting Chief of the Wage Stabilization Division which has been set up in the Program Branch of the Office of Labor.

The War Food Administrator has jurisdiction, delegated to him by Fred M. Vinson, Director of the Office of Economic Stabilization, under authority of the anti-inflation act of October 2, 1942, as amended, over all wages of agricultural labor, and over salaries of agricultural laborers of \$5,000 per annum and less. Salaries of agricultural laborers in excess of \$5,000 per annum are under the jurisdiction of the Commissioner of Internal Revenue.

The Economic Stabilization Director has frozen wages and salaries of agricultural labor which are \$2,400 per annum or more, and ruled that they cannot be increased without prior approval of the War Food Administrator, or the Commissioner of Internal Revenue where such salaries are above \$5,000 per annum. Wages and salaries of agricultural labor which are below \$2,400 per annum may be increased without prior approval, unless the War Food Administrator has established specific ceilings for such labor. However, no reduction can be made in the wages or salaries for any particular work below the highest wages or salaries paid therefor between January 1, 1942, and September 15, 1942.

The exemption of agricultural wages and salaries which are below \$2,400 per annum from limitations placed by the Economic Stabilization Director on all nonagricultural wage rates is justified on the grounds (1) "that the general level of salaries and wages for agricultural labor is substandard," (2) "that a high disparity exists between salaries and wages paid labor in agriculture and salaries and wages paid labor in other essential war industries," and (3) "that the retention and recruitment of agricultural labor is of prime necessity in supplying the United Nations with needed foods and fibers."

The regulations issued by the War Food Administrator January 17 interpret the term "agricultural labor," and set forth procedures for the establishment of wage ceilings and for determining penalties for violations of the ceilings. Persons defined as "agricultural labor" are those employed in farming in any of its branches, including, among other things, the cultivation and tillage of the soil; dairying; the production, cultivation, and harvesting of agricultural or horticultural commodities, and the raising of livestock, bees, or poultry. Excluded from the definition, of course, are persons who earn more than \$5,000 per annum in salaries in such work.

In interpreting the definition, the regulations describe farm operations in detail and classify persons employed in these operations. Employees engaged in the production, cultivation, growing, and harvesting of agricultural or horticultural commodities in a greenhouse, nursery, enclosed shed, or hotbed as well as on farms are classified as agricultural labor. In poultry raising, the work is defined in the regulations as agricultural labor whether performed on farms or in hatcheries.

Excluded from the definition are persons employed at stockyards and in raising fur-bearing animals. Also excluded are persons engaged in packing or other preparation of agricultural commodities for market, delivery of such commodities to storage or market, or to a carrier for transportation to market, unless they are engaged primarily as "agricultural labor" and just incidentally aid in these occupations when the commodities involved have been produced by their employers. However, such an employee is not considered to be employed in agricultural labor to the extent that he works in a packing shed or other establishment which employs eight or more employees in packing or other preparation of agricultural commodities for market. Employees classified as agricultural labor in the regulations will remain in that status, even though employed in forestry and lumber operations, so long as the operations constitute a subordinate and established part of the employers' farm activities. Employees engaged all or most of their time in such operations are not considered agricultural labor, even though their employers also conduct farm operations. If an employer is engaged in lumbering operations on logs or timber grown on other farms as well as his own, his employees engaged in such operations are not considered agricultural labor. Neither are employees performing logging or sawmill operations for persons other than the operator of a farm. Clerical help, farm managers, mechanics, maintenance men, and night watchmen are considered agricultural labor when directly employed to aid in farming operations, provided their employment is at the site of the operations. Independent contractors, or their employees, engaged in any of these types of work, are not considered agricultural labor.

Interpretations of the definition of "agricultural labor" will be supplemented from time to time by the Administrator as he finds necessary.

State Agricultural Wage Boards will be appointed where necessary to hold public hearings and assist in the establishment of specific wage ceilings. Such Boards already established will continue to function.

Violators of wage stabilization orders, whether employers or employees, are subject to a fine or not more than \$1,000, or to imprisonment for not more than 1 year, or to both penalties. In addition, where wages or salaries have been increased in contravention of a wage stabilization order, the amount of the salary or wage paid at the increased rate is disregarded by all agencies of the Government for the purpose of determining production costs of the employer in relation to price control, income tax returns, or contracts with the Government.

The regulations issued on January 21, governing specific wage ceilings once they have been established, set forth procedure to be followed by State WFA Wage Boards in handling appeals for relief from any hardships which may result from establishment of agricultural wage or salary ceilings. They also set standards for the Boards to use in reaching decisions on appeals, and place limitations on the benefits of any adjustments which the Boards grant. Applications for appeal are to be made to the State Boards. The Board's determinations will be final, subject only to the right of the War Food Administrator to review on his own initiative. If an appeal is granted, the employer must post a copy of the ruling in a conspicuous place where it can be seen by his workers.

Wage ceilings now in effect on four crops in certain areas of California and on the citrus crops in the State of Florida will not be affected by the January 20 regulations until they are amended or revised in accordance with the terms of the new specific wage ceiling regulations.